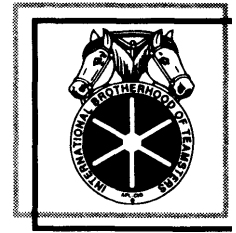


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INTERNATIONAL BROTHERHOOD OF TEAMSTERS

AFL-CIO
DEPT. OF TRANSPORTATION
DOCKETS



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ORIGINAL

October 29, 1999

U.S. Department of Transportation Dockets
400 Seventh Street, SW
Room Plaza 401
Washington, DC 20590

Re: Docket # FAA-I 99-6001 -3 7
NPRM: Protection of Voluntarily Submitted Information

Dear Sir or Madam:

The International Brotherhood of Teamsters, Airline Division, representing more than 40,000 aviation workers including flight crew members, flight attendants, mechanics, ramp agents, and others, strongly opposes the NPRM on the Protection of Voluntarily Submitted Information because it fails to adequately protect our members from punitive action by their employer and/or the FAA when they provide information which would be helpful in identifying safety and security problems. By our reading, the NPRM broadens the protections against disclosure of information for the agency and the air carriers, but clearly limits the protection for individual employees.

The NPRM fails to protect employees from employer retaliation. An employer may become aware that an employee has provided the FAA with information through any number of channels and, sadly, often from the FAA inspectors themselves. Since aviation workers neither have whistleblower protection nor protection from discrimination for reporting safety and health violations (as afforded by the OSHAct), an employer may choose to take retaliatory action against that employee. These important worker protections must be in place before any meaningful consideration can be given to protection of voluntarily submitted information.

Additionally troublesome, the NPRM assumes a patronizing attitude towards the public's "right to know" and makes much of the "aviation community's" concern that this "sensitive" information may "be misinterpreted, misunderstood, or misapplied." Those of us in the "Third Estate" of the aviation community are familiar with this paternalistic pronouncement. All too often it is this same declaratory roadblock with which our own requests for safety and security information are met. We cannot support a rulemaking that codifies these concepts.

The IBT supports the goal of collecting information for the purpose of helping "...improve safety by allowing the FAA to spot trends before they result in accidents." We believe that the use of such information, whether generated by mandatory reporting or voluntary submission, should be pro active and remedial rather than punitive except in those instances which concern accidents, criminal offenses, or deliberate violation of the FARs. Further, we believe that both air carriers and their individual employees should have the benefit of the same standard of protection from prosecution for inadvertent acts when they self-disclose them to their employer or the FAA.

On the other hand, we also believe that access to summarized voluntarily submitted information (de-identified to protect privacy), analysis of such information, and the resultant recommendations and actions taken to remedy any identified problems or worrisome trends is essential. It is the only means by which to measure the value of collecting information to meet the stated goal of reducing accidents. It is also a means of evaluating the effectiveness of the FAA in meeting its mandate to promote aviation safety and regulate the aviation industry. Over-broad protections from disclosure of information should not be used to shield the agency from scrutiny, nor shield the "aviation experts" in the aviation community from failure to act on known safety hazards or breaches of security.

The FAA should revisit the entire issue of information collection, voluntary and required. Much of the safety and security information available through new technologies would lend itself to automatic collection and mandatory reporting requirements. Again, we stress that such information should be used in a non-punitive manner to enhance safety and security rather than to cast a wider enforcement net.


Further, the agency should review all voluntary information collection /reporting programs with the objective of forming a cohesive and consistent policy on the use and disposition of information gathered by

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such programs. The vagaries and subtle differences between existing programs is confusing and provides a false sense of security to those employees who may believe that they are protected from employer retaliation or FAA enforcement action when they volunteer safety and security information. The number of different programs also raises questions of overall program effectiveness and economic efficiency. Do we really need ASRS, FQOA, ASAP, etc.; or might the aviation community and the public be better served by a comprehensive program that incorporates elements from all of these and most especially focuses on those actions necessary to enhance aviation safety?

In conclusion, the International Brotherhood of Teamsters, Airlines Division restates its opposition to the proposed language of Part 193, Protection of Voluntarily Submitted Information.

Sincerely,


Ray Benning
Director, Airline Division'